

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/785,370	BORCHERING, JAMES W.	
	<b>Examiner</b>	<b>Art Unit</b>	
	John Pezzlo	2662	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 29 July 2005.
2. ☒ The allowed claim(s) is/are 1-22.
3. ☒ The drawings filed on 16 February 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).


\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)           |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|   | 9. <input type="checkbox"/> Other _____   |

  
**JOHN PEZZLO**  
**PRIMARY EXAMINER**

## **DETAILED ACTION**

### ***EXAMINER'S AMENDMENT***

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Cheryl M. Fernandez on 8 August 2005.

The claims have been amended as follows:

1. Claim 1, line 3, deleted "wherein".
2. Claim 1, line 4, deleted "is adapted to".
3. Claim 1, line 4, changed "support" to -- supports --.
4. Claim 16, line 4, deleted "wherein".
5. Claim 16, line 5, deleted "is adapted to".
6. Claim 16, line 5, changed "support" to -- supports --.
7. Claim 20, line 7, deleted "wherein".
8. Claim 20, line 7, deleted "is adapted to".
9. Claim 20, line 7, changed "support" to -- supports --.

***Allowable Subject Matter***

Claims 1-22 are allowable over the prior art of record.

***Reasons for Allowance***

I. Applicants representative has provided a definition for sub-wavelength switching, as known to those in the industry:

In wavelength switching, optical signals, each having the signaling rate of a wavelength, are switched from one circuit to another.

In sub-wavelength switching, smaller signals, making up an optical signal (that has signaling rate of a wavelength), are switched from one circuit to another. The smaller signals can have a signaling rate less than or the same as the signaling rate of the wavelength.

The above definition is being used by the examiner to interpret the below listed claims.

II. The following is an examiner's statement of reasons for allowance: Applicant has claimed the following uniquely distinct features in the instant invention, which are not found in the prior art, either singularly or in combination:

1. Regarding claim 1 - A gateway exchange node comprising: an exchange area network (XAN) xswitch, and a wide area network (WAN) wavelength switch coupled to the XAN xswitch, the xswitch supports service switching at a sub-wavelength granularity for a network element in an XAN.

Art Unit: 2662

2. Regarding claim 16 - A network, comprising; a first gateway exchange node having an exchange area network (XAN) xswitch and a wide area network (WAN) wavelength switch, and a network operations center (NOC) coupled to the gateway exchange node, the xswitch supports service switching at a sub-wavelength granularity for a network element in an XAN.

3. Regarding claim 20 - A gateway exchange node, comprising: an exchange area network (XAN) xswitch, a wide area network (WAN) wavelength switch, a digital crossconnect system (DCS), a data switch, a voice switch, and an internet protocol (IP) switch router, the xswitch supports service switching at a sub-wavelength granularity for at least one of the DCS, the data switch and the voice switch in an XAN.

The closest prior art, either singularly or in combination, fail to anticipate or render the above limitations obvious.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Claims 1-22 being allowable, **Prosecution On The Merits Is Closed** in this application.

Art Unit: 2662

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Pezzlo whose telephone number is (571) 272-3090. The examiner can normally be reached on Monday to Friday from 8:30 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou, can be reached on (571) 272-3088. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2600.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C.

or faxed to:

(571) 273-8300

For informal or draft communications, please label "PROPOSED" or "DRAFT"

Hand delivered responses should be brought to:

Jefferson Building


2A15

500 Dulany Street

Alexandria, VA, 22313.

John Pezzlo

10 August 2005

  
JOHN PEZZLO  
PRIMARY EXAMINER